

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 894 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

CHANCHALBEN WD/O NATHABHAI B. SOLANKI

Versus

STATE OF GUJARAT

Appearance:

MR SD PATEL for Petitioners

MR SK PATEL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/09/1999

ORAL JUDGEMENT

1. This matter arises from the proceedings initiated by the State Government under section 34 of the Urban Land (Ceiling and Regulations) Act, 1976.

2. The State Government exercised the powers under section 32 and declared surplus land with the petitioner. However, this order has been stayed by this Court on 24-2-1988 and this stay continues till this date as the

parties are not at variance on this fact.

3. Learned counsel for the petitioner submits that the possession of the disputed land continues with the petitioner. This fact is not controverted by the counsel for the respondents. However, the counsel for the respondents state that the respondents may be given a liberty to ascertain this fact.

4. In view of the Repealed Act as such and coupled with the statement made by the learned counsel for the petitioner, this special civil application abates. I do not find any ground to adjourn this matter on the request of the counsel for the respondents for the reason that even after dismissal of this petition, it is open to the respondents to ascertain the correctness of the statement made by the learned counsel for the petitioner and if it is found to be incorrect they are at liberty to file a simple note for revival of the special civil application and accordingly the court will pass the appropriate order.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-